



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#6

In re Application

Inventor(s): DAVID GRAWROCK et al.

SC/Serial No.: 09/934,926

Confirm. No.: 8871

Filed: August 21, 2001

Title: UNIFIED PERMISSIONS CONTROL FOR
REMOTELY AND LOCALLY STORED FILES
WHOSE INFORMATIONAL CONTENT MAY BE
PROTECTED BY SMART-LOCKING AND/OR
BUBBLE-PROTECTION



PATENT APPLICATION

Art Unit: 2131

Examiner: Unknown

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on December 27, 2001.

RECEIVED

FEB 22 2002

OFFICE OF PETITIONS

Gideon Gimlan, Reg. No. 31,955

Signature Date: December 27, 2001

(Attorney Signature)

PETITION FOR ACCEPTING DECLARATION SIGNED BY LESS THAN
ALL THE NAMED INVENTORS PURSUANT TO 37 C.F.R. §1.47(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The above-identified patent application lists four (4) individuals on its face as being co-inventors. Declarations signed in counterpart by three out of four (3/4) of these individuals accompanies this Petition. The enclosed Declarations cover the application as originally filed and further cover the Preliminary Amendment filed August 21, 2001.

Among the four (4) listed individuals, one individual, Paul R. Spear, has still not returned a signed Declaration as is detailed below. The last known contact address and telephone number for this individual is as follows:

Mr. Paul R. Spear
PO Box 55
Yamhill, Oregon 97148
(503) 662-3001 {Home telephone number}

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- 1 -

Acceptance is respectfully requested of the enclosed, partially-signed Declarations as constituting a declaration on behalf of Paul R. Spear in view of the below Detailed Remarks which present proof and explain why Mr. Spear is a joint inventor who refuses to join in the application.

DETAILED REMARKS

Based on information and belief, all four of the named co-inventors were, at the time of invention, employees of Symantec Corporation (a California corporation headquartered in Cupertino, CA; hereafter "Symantec") and were obligated under respective employment agreements to assign rights in the subject invention to Symantec. After the date of invention, three of the four named co-inventors left employment with Symantec. (Mr. Paul Puttonen remained with Symantec.)

The below-signed attorney represents Symantec Corporation, the real party in interest with respect to the subject application. His office successfully contacted all four of the named co-inventors after expending effort in locating them. Symantec did not have forwarding addresses for those who left, but through some networking efforts, they were each reached by telephone and each verbally agreed to cooperate in the signing of the Declaration and Assignment papers.

As evidenced by the enclosed, signed originals, three out of four (3/4) of these individuals complied with their original verbal commitments and returned the executed papers for filing with the PTO in timely fashion. However, from the time that the formal papers were sent to Mr. Paul R. Spear, (see EXHIBIT A) on or about September 28, 2001, the office of the below-signed attorney has not heard back from Mr. Spear, until just very recently (see EXHIBIT B, Dec. 24, 2001 Telephone conference with Paul Spear re his refusal to sign) wherein Mr. Spear made a verbal stipulation that "it would be fair to represent to the US PTO that at this time Mr. Spear does not want to be a party to the patent application ... [although at a future, indefinite time, after having done more research and satisfying himself Mr. Spear might be willing to change his mind] ".

Attached hereto as EXHIBIT A is a true copy of a request letter sent to Mr. Spear on Sept. 28, 2001 requesting his cooperation in signing the inventor's declaration. It is respectfully submitted that EXHIBIT A constitutes proof of diligent effort to reach

Mr. Spear and present him with an opportunity to sign a counterpart version of the Declaration.

Attached hereto as EXHIBIT B is a declaration by the below-subscribed attorney, summarizing a telephone interview conducted with Mr. Spear on Dec. 24, 2001. It is respectfully submitted that Mr. Spear's verbal representations during that telephone interview amount to a refusal to join in the application pursuant to 37 C.F.R. §1.47.

The required fee for this Petition, as set forth in 37 C.F.R. §1.17(h) is enclosed.

It is respectfully requested that the Declarations signed by those inventors who have joined in this application be deemed to be a further Declaration on behalf of the non-signing inventor. It is further requested that the application now be deemed as complete.


Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including January 4, 2002.

Also enclosed is a declaration from Mr. Cotrill explaining how his name came to be misspelled in the original application papers.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 12-27-2001

By: 
Gideon Gimlan
Reg. No. 31,955
(408) 748-7300

FLIESLER, DUBB, MEYER & LOVEJOY LLP
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STEPHEN R. BACHMANN
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PATENT AGENTS
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COUNSEL
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GIDEON GIMLAN
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September 28, 2001
Via Express Mail

EL467321935US

CONFIDENTIAL

Camrin Cotril
2160 NW 159th Place
Beaverton OR 97006

Paul Spear
P.O. Box 55
Yamhill, OR 97148

EL467321918US

Re: U.S. Patent Application
File: Title: Unified Permissions Control for Remotely and Locally Stored Files Whose Informational
Content May Be Protected by Smart-Locking and/or Bubble-Protection
Inventors: David Grawrock et al.
Serial No.: 09/934,926, filed August 21, 2001
Our File: SYMA-01045US0GGG

Dear Camrin and Paul:

This cover letter is slightly longer than a corresponding one being sent to David Grawrock and Paul Puttonen because each of you has been somewhat less involved in the preparation of the patent application being discussed here.

About two years ago, I was working extensively with David Grawrock to finish a patent application in which he named Paul Puttonen and yourselves as co-inventors. The invention apparently arose from your joint work at Symantec on the Your Eyes Only (YEO) product. Of course, everything discussed here is considered Symantec confidential and should be kept as such per your employment agreement with Symantec.

The specific invention has to do with the securing of confidential files stored remotely over a network. Before the preparation of the patent application was completed, Dave Grawrock left his position at Symantec. Paul Puttonen, however, stayed on and helped with the completion of the application.

About a year ago, we filed a so-called "provisional" patent application in order to protect the date of your invention. That filing did not require any signing of papers by you. More recently, we had to perfect our patent rights by filing a "non-provisional" patent application which again names you as well as David Grawrock and Paul

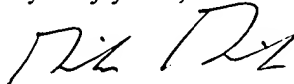
Puttonen as co-inventors. This more recent filing does require signatures from both of you as well as from David Grawrock and Paul Puttonen on the enclosed Declaration and Assignment papers. (Each of you can sign on a separate, counterpart paper.)

The enclosed Declaration attests to your belief that you are a co-inventor, together with the other named persons of subject matter disclosed and claimed in the attached copy of the patent application. Please briefly review the enclosed copy of the application and the enclosed copy of a First Preliminary Amendment that was filed with the application. If these meet with your satisfaction, please sign and date where indicated in the document. If you have any concerns, please call me at (408) 748-7300.

The enclosed Assignment transfers rights in the invention to Symantec Corporation per your obligation under your employment agreement. We ask that you have this document witnessed by at least one other person after you sign and date it. Once again, if you have any concerns please call me at the above telephone number.

After signing and dating both of the indicated documents, please return them to me in the enclosed pre-paid Express Mail envelope. You may keep the enclosed copy of the patent application in confidence for your records. Thank you in advance for your help on this matter.

Very truly yours,



Gideon Gimlan

GG:jm

Enclosures

cc w/o encls: Marie C. Noto, Esq., Symantec Legal
David Grawrock
Paul Puttonen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): DAVID GRAWROCK et al.

SC/Serial No.: 09/934,926

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Filed: August 21, 2001

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PATENT APPLICATION

Art Unit: 2131

Examiner: Unknown

Customer No. 23910

DECLARATION BY GIDEON GIMLAN IN SUPPORT OF
PETITION PURSUANT TO 37 C.F.R. §1.47(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Gideon Gimlan, am the attorney of record in the above-named patent application. On December 24, 2001 at approximately 2 P.M. PST, as I was revising the accompanying Rule 1.47 petition, I decided to give one more try in calling Mr. Paul Spear at telephone number (503) 662-3001.

Although the answering machine initially picked up and began to explain how to record a message, in the middle of that Mr. Spear picked up the telephone himself and we spoke directly. Our telephone conversation lasted approximately a half hour. During our conversation Mr. Spear noted several times, and I agreed with him each time, that I am an attorney working for Symantec Corporation and therefore do not represent him personally or any of his personal interests. In view of that, Mr. Spear was less than forthcoming with all information, including refusing to give the name of the company for which he presently works. Mr. Spear did, however, explain that he did indeed receive our Express Mail package of September 28, 2001, which included a copy of the patent application, and that Mr. Spear was in the process of reviewing that application in detail. Mr. Spear also indicated that he had indeed received our



earlier messages on his telephon answering machine requesting that h let us know why he had not yet returned the signed Declaration and Assignment and that he, Mr. Spear, had decided not to respond to those requests because he was concerned that this law firm represents Symantec Corporation and that he may be taking a position adverse to Symantec's interests. Mr. Spear refused to give any specific reasons for why he was refusing to sign the Declaration at this time although he did allude to the idea that in his mind the current application extends beyond the scope of what he thought was going to be patented when the initial Invention Disclosure Form (IDF) was submitted by the inventive group.

Mr. Spear verbally agreed to the following characterization of his current position, as spoken by me: "It would be fair to represent to the U.S. Patent and Trademark Office that at this point in time you do not want to be a party to the patent application and would prefer that your name be removed from the list of co-inventors?" Mr. Spear said that yes, that is a fair characterization of his present position.

I explained to him that I cannot unilaterally remove his name from the list of inventors and that it would be up to him and his co-inventors to decide whether he had contributed inventively to at least one claim within the application. Mr. Spear indicated that he intends to do some more extensive research for validating or invalidating his current position, and that if at the end of such extensive research at an unspecified future date he is unable to find validating reasons for his refusal to join in the application, he may change his mind and sign the Declaration. I asked Mr. Spear if he is aware of any publicly-known prior art which may be relevant to the claims on record and he indicated that after having done extensive research, he has still not been able to find any such prior art. I requested of Mr. Spear that if he does uncover any material prior art, he should kindly forward copies of them to me so that we could cite them to the U.S. Patent and Trademark Office. Mr. Spear indicated that he would endeavor to do so.

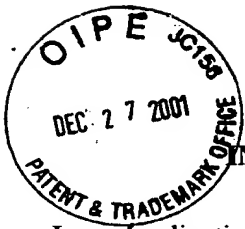
We concluded our telephone conversation without having reached agreement on much except that Mr. Spear had received the package we mailed September 28, 2001 and that he was in the process of still reviewing it and that at this point in time it would be fair to characterize his position to the U.S. Patent and Trademark Office as being one where he does not wish to "be a party to the patent application" in the form that it was filed on August 21, 2001. I explained to Mr. Spear the passing

deadlines for responding to the outstanding Notice to File Missing Parts. Mr. Spear agreed that at this stage it would be fair to characterize him as a co-inventor who refuses to join in the application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 12-27-2001

Signature: 
Gideon Gimlan, Reg. No. 31,955



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, DC 20231, on December 27, 2001.

(Attorney Signature)

Gideon Gimlan, Reg. No. 31,955

Signature Date: December 27, 2001

**REQUEST FOR CORRECTION OF OFFICE RECORDS REGARDING
SPELLING OF INVENTOR'S NAME PURSUANT TO MPEP §605.04(b)**

Commissioner for Patents
Washington, DC 20231

Sir:

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OFFICE OF PETITIONS

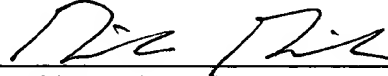
Due to a typographical spelling error, a co-inventor's name which is actually "Cameron W. Cotrill" was inadvertently identified as "Camrin Cotril" on the filed application papers. It is respectfully requested that the Office records be corrected to reflect his correct name as "Cameron W. Cotrill". MPEP §605.04(b) indicates that no petition or other special proceeding is required for correcting a misspelling of an inventor's name. Supporting papers are nonetheless provided. (DECLARATION OF CAMERON W. COTRILL IN SUPPORT OF REQUEST FOR CORRECTION OF OFFICE RECORDS REGARDING SPELLING OF INVENTOR'S NAME PURSUANT TO MPEP §605.04(b).)

If it is deemed that a petition is necessary for correcting the inventor's name, then such a petition is hereby provisionally presented.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this correspondence, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 12-27-01

By: 
Gideon Gimlan
Reg. No. 31,955
Telephone: (408) 748-7300

FLIESLER DUBB MEYER & LOVEJOY LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): DAVID GRAWROCK et al.

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PATENT APPLICATION

Art Unit: 2131

Examiner: Unknown

Customer No. 23910

**DECLARATION OF CAMERON W. COTRILL IN SUPPORT OF
REQUEST FOR CORRECTION OF OFFICE RECORDS REGARDING
SPELLING OF INVENTOR'S NAME PURSUANT TO MPEP §605.04(b)**

Commissioner for Patents
Washington, DC 20231

Sir:


I, Cameron W. Cotrill, am the same co-inventor who is identified in the initially-filed version of the above-identified patent application as "Camrin W. Cotril". The correct spelling of my full name is "Cameron W. Cotrill".

After the invention was conceived, the inventive entity which was constituted of myself as well as David Grawrock, Paul Spear and Paul Puttonen, became separated and we went in different directions. Most of us, including myself, left the employment of the Assignee, Symantec Corporation, and obtained employment elsewhere. (It is my understanding and belief that Paul Puttonen is still an employee of Symantec.) Because of our separation, I did not have an opportunity to point out to the other members of the group that my name was misspelled on the earlier-filed provisional application (Serial No. 60/227,065), as well as in the application papers that were filed as Serial No. 09/934,926 but were not accompanied by declarations. It was when I received my counterpart copy of the inventors' declaration that I pointed out to the attorney the misspelling of my name. The newer counterpart copy of my

declaration has the correct spelling of my name while the counterpart copies that were earlier sent to the other co-inventors may not. I respectfully request that the Patent Office records be amended to reflect the correct spelling of my name as given below.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 11/23/2001

By: 
Cameron W. Cotrill